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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,489	06/26/2003	Yoshiro Nakamats	F-7824	5677
28107	7590	05/06/2005	EXAMINER	
JORDAN AND HAMBURG LLP			DAVIS, CASSANDRA HOPE	
122 EAST 42ND STREET			ART UNIT	PAPER NUMBER
SUITE 4000			3611	
NEW YORK, NY 10168				

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/606,489	YOSHIRO NAKAMATS
	Examiner Cassandra Davis	Art Unit 3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-19 is/are allowed.
- 6) Claim(s) 20,23,24,27 and 35 is/are rejected.
- 7) Claim(s) 21,22,25,26 and 28-34 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Reissue Applications

The applicant application transmittal form indicates that a "Statement of Non-Assignment" was enclosed with the application, however no statement was found. In an effort to expedite the prosecution, the applicant is being treated as if a statement was not filed.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 30, it is unclear if the "rotatable support" is the same as the "rotatable support means" recited in claim 28.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 20, 23, 24, 27, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Tokimoto et al., U. S. Patent 5,406,300 with a priority date of December 12, 1991.

5. Tokimoto et al. teaches a swing type aerial display system comprising a support member 1 having a plurality of spaced luminous devices 2 disposed thereon. The support member 1 being movable through a swing arcs. (See figure 1 and column 5, lines 58-61). Tokimoto also teaches a detector for detecting movement of the support member 1 at a starting position. (See figure 3 and column 7, lines 19-22). A clock/timer device for providing timing relative to the detector detecting movement of the support member at the starting position. (See column 6, lines 9-12, column 7, lines 52-57 and column 18, line 39-45) and the support member 1 has a light control means for selectively lighting individual respective ones of the luminous devices 2 of the respective luminous devices within the swing arc as determined by timing of the clock device as the support member moves along said swing arc to create the light display along the swing arc of the support member.

With respect to claim 23, the luminous devices are light emitting diodes.

With respect to claim 24, the luminous devices are arranged in a linear row. See figures 1-2.

With respect to claims 26-27, the luminous devices are positioned along one side of the elongated bar support member 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tokimoto et al. Tokimoto teaches two type of motion detector one S depicted in figure 3 and a pendulum depicted in figure 8. Since the applicant does not disclose that a pendulum having a weight depending from a rotation support and contacts on the supports solves any stated problem or is for any particular purpose, it appears that using one the two detectors taught by Tokimoto would perform equally well in detecting the start and stop of the movement of the support member.

Allowable Subject Matter

8. Claims 1-19 are allowed.

9. Claims 21, 22, 25-26, and 28-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Altman, U. S. Patent 6,239,774 is cited to show an illuminated display device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cassandra Davis
Primary Examiner
Art Unit 3611

CD
May 2, 2005